

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 189

# HOUSE BILL 2260

AN ACT

AMENDING SECTION 48-802, ARIZONA REVISED STATUTES; RELATING TO FIRE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-802, Arizona Revised Statutes, is amended to  
3 read:

4 48-802. Election procedures

5 A. All elections held pursuant to this article shall conform to the  
6 requirements of this section.

7 B. Except as otherwise provided in this article, the manner of  
8 conducting and voting at an election, contesting an election, keeping poll  
9 lists, canvassing votes and certifying returns shall be the same, as nearly  
10 as practicable, as in elections for county officers. If the fire district  
11 is administered by a board, after consultation with the officer in charge of  
12 elections, a fire district may divide itself into precincts. To the extent  
13 practicable, the precincts shall be equal or as nearly equal in population  
14 and shall conform to the boundaries of precincts adopted by the board of  
15 supervisors of the county. The fire district shall thereafter conduct its  
16 elections using those precincts.

17 C. No person may vote at the election other than a qualified elector  
18 of this state who has registered to vote at least twenty-nine days before the  
19 election at a residence within the district boundaries or proposed district  
20 boundaries created by the merger of fire districts. A person offering to  
21 vote at a fire district election for which no fire district register has been  
22 supplied shall sign an affidavit stating his address and the fire district  
23 in which he resides and swearing he is qualified to vote and has not voted  
24 at the fire district election being held. A person offering to vote at a  
25 fire district election for which a fire district register has been supplied  
26 shall proceed as required for voting at any election at which precinct  
27 registers are used.

28 D. In elections for an elected chief and secretary-treasurer or  
29 district board members:

30 1. The person or persons within the district or precinct, as  
31 applicable, receiving the highest number of votes shall be declared elected.

32 2. Candidates must be, and during incumbency must remain, qualified  
33 electors of the fire district, or in an election to merge fire districts, the  
34 proposed fire district. In a fire district that is divided into precincts  
35 as prescribed by subsection B of this section, candidates shall be qualified  
36 electors of the precinct in which they are candidates and during incumbency  
37 must remain qualified electors of that precinct.

38 3. Elections, other than special elections to fill a vacancy or  
39 elections to merge or dissolve fire districts, shall be held on the first  
40 Tuesday after the first Monday in November of the first even numbered year  
41 following the year the district is declared organized by the board of  
42 supervisors and, in the case of a fire district administered by a district  
43 board, every two years thereafter on the first Tuesday after the first Monday  
44 in November. Elections shall be held every four years thereafter in  
45 districts administered by an elected chief.

1           4. Except for an election to reorganize a fire district, nominating  
2 petitions shall be filed with the board of supervisors as prescribed by title  
3 16, chapter 3. IF ONLY ONE PERSON FILES A NOMINATING PETITION FOR AN  
4 ELECTION TO FILL A POSITION ON THE DISTRICT BOARD OR THE POSITION OF ELECTED  
5 FIRE CHIEF OR ELECTED SECRETARY-TREASURER FOR WHICH THE TERM OF OFFICE IS TO  
6 EXPIRE, THE BOARD OF SUPERVISORS MAY CANCEL THE ELECTION FOR THAT POSITION  
7 AND APPOINT THE PERSON WHO FILED A NOMINATING PETITION TO FILL THE POSITION.  
8 A PERSON WHO IS APPOINTED PURSUANT TO THIS PARAGRAPH IS FULLY VESTED WITH THE  
9 POWERS AND DUTIES OF THE OFFICE AS IF ELECTED TO THAT OFFICE.

10           5. The names of all nominated persons for office within the district  
11 or precinct, as applicable, shall appear on the ballot without partisan  
12 designation.

13           E. In an election to reorganize or dissolve a fire district, notice  
14 of the appropriate order of the board of supervisors or governing body of the  
15 district shall be given as prescribed by title 16. An order to hold an  
16 election shall be issued not more than thirty days from the receipt of  
17 petitions pursuant to section 48-815.

18           F. In an election to merge fire districts, notice of the appropriate  
19 order of the board of supervisors shall be given as prescribed by title 16.  
20 In addition, notice of the election with an accurate map of the territory  
21 proposed to be merged shall be sent by first class mail to each owner of  
22 property that would be subject to taxation by the merged district at least  
23 sixty days before the election. An order to hold an election shall be issued  
24 not more than thirty days after the receipt of petitions to merge fire  
25 districts pursuant to section 48-820.

APPROVED BY THE GOVERNOR APRIL 21, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2001.

Passed the House February 13, 2001,

by the following vote: 46 Ayes,

11 Nays, 3 Not Voting

[Signature]  
Speaker of the House

Norman L. Fyone  
Chief Clerk of the House

Passed the Senate April 11, 2001,

by the following vote: 21 Ayes,

9 Nays, 0 Not Voting

[Signature]  
President of the Senate

Chamion B. Winston  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

           day of           , 20  ,

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

          , 20  ,

at            o'clock            M.

            
Governor of Arizona

H.B. 2260

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this            day of           , 20  ,

at            o'clock            M.

            
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 17, 2001,

by the following vote: 43 Ayes,

11 Nays, 6 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17 day of April, 2001,

at 11:06 o'clock A M.

[Signature]  
Secretary to the Governor

Approved this 21 day of

April, 2001,

at 9:14 o'clock A M.

[Signature]  
Governor of Arizona

H.B. 2260

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 2001,

at 4:45 o'clock P M.

[Signature]  
Secretary of State